

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE INC.,

Plaintiff,

v.

JOSHUA FISHER, *et al.*,

Defendants.

Case No. C23-1143-MLP

ORDER GRANTING PLAINTIFF
BUNGIE, INC.'S UNOPPOSED
MOTION TO AUTHORIZE THIRD-
PARTY DISCLOSURE IN RESPONSE
TO SUBPOENAS

This matter is before the Court on Plaintiff Bungie Inc.'s Unopposed Motion "to Authorize Third-Party Disclosure in Response to Subpoenas" ("Plaintiff's Motion"). (Pl.'s Mot. (dkt. # 31).) Plaintiff moves for an Order to allow subpoenaed third-party entities, including, but not limited to, Verizon, Inc., to respond to those subpoenas pursuant to the Cable Communications Privacy Act, 47 U.S.C. § 551(c)(2)(B). (*Id.* at 1, 3-5.) This Court previously found good cause to authorize early third-party discovery in this matter, authorizing Plaintiff to serve third-party subpoenas on several entities to further its investigation into identifying unknown Defendants allegedly responsible for developing "Ring-1" cheat software for Destiny 2, Plaintiff's online multiplayer, first-person shooter video game. (*See* dkt. ## 27, 30.) Per Plaintiff, Verizon's subpoena response agent confirmed that Verizon does not oppose this

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1 motion, and Verizon requested Plaintiff pursue this Order so that Verizon could legally comply
2 with the issued subpoena pursuant to § 551(c)(2)(B). (Schmeyer Decl. (dkt. # 32) at ¶¶ 3, 5-6.)

3 The Cable Communications Privacy Act generally prohibits a cable operator from
4 disclosing “personally identifiable information concerning any subscriber without the prior
5 written or electronic consent of the subscriber concerned”¹ 47 U.S.C. § 551(c)(1). However,
6 a cable operator may disclose such information if the disclosure is made pursuant to a court order
7 and the cable operator notifies the subscriber of the order. *Id.*, § 551(c)(2)(B). Where good cause
8 has been demonstrated for early discovery, disclosure of such information is appropriate under
9 this exception to § 551. *See MG Premium Ltd. v. Does 1-20*, 2020 WL 1675741, at *1-2 (W.D.
10 Wash. Apr. 6, 2020); *Strike 3 Holdings, LLC v. Doe*, 2018 WL 1427002, at *1-2 (S.D. Cal. Mar.
11 22, 2018).

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13 The Court, having considered Plaintiff’s Motion (dkt. # 31), the supporting declaration,
14 and Verizon’s lack of opposition, and finding good cause, hereby ORDERS as follows:

- 15 1. Plaintiff’s Motion (dkt. # 31) is GRANTED.
- 16 2. Any subpoenaed entity which qualifies as a “cable operator” in this matter, as
17 defined by 47 U.S.C. § 522(5), must provide the subscriber with notice of this Order pursuant
18 to 47 U.S.C. § 551(c)(2)(B).

- 19 3. Any subpoenaed entity which qualifies as a “cable operator” in this matter shall
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22 ¹ A “cable operator” is:

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24 [A]ny person or group of persons (A) who provides cable service over a cable
25 system and directly or through one or more affiliates owns a significant interest in
26 such cable system, or (B) who otherwise controls or is responsible for, through any
27 arrangement, the management and operation of such a cable system.

47 U.S.C. § 522(5).

1 have **seven (7) days** after service of any subpoenas to notify the subscriber(s) that their identity
2 has been subpoenaed by Plaintiff. Any subscriber whose identity has been subpoenaed shall have
3 **twenty-one (21) days** from the date of such notice to file a responsive pleading or a motion to
4 quash.

5 Dated this 23rd day of February, 2024.

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8 MICHELLE L. PETERSON
9 United States Magistrate Judge
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